



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/728,463 10/10/96 LONBERG

N 14643-009020

EXAMINER

HM12/0827

TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER 8TH FLOOR
SAN FRANCISCO CA 94111

GAMBEI P	
ART UNIT	PAPER NUMBER

1644

DATE MAILED:

08/27/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

08/728963

10/10/96

BERG

DEA/FCE-1994

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14643-009020

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
		HM1270827	
TOWNSEND AND TOWNSEND AND CREW			GAMBEL, P
TWO EMBARCADERO CENTER 8TH FLOOR SAN FRANCISCO CA 94111			

EXAMINER	
1644	
ART UNIT	PAPER NUMBER
	17

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

Applicant's amendment, filed 6/11/99 (Paper No. 16), is not fully responsive to the prior Office Action because of the following omission(s) or matter(s).

MPEP section 714.22 specifies protocols for use in amending language in a pending claim.

Applicant has amended the claim language without the appropriate protocols for amending the language of the claims previously under consideration. For example original claim 11 recited a "eukaryotic" cell and the amended claims does not acknowledge "eukaryotic" as an element of the original claim. Also, original claim 30 employed brackets and amended claim 30 recites the same bracketed SEQ ID NO. limitations.

Applicant should carefully examine all pending claims to insure that similar errors have not been made. Applicant is invited to consider canceling certain claims (e.g. 11 and 30) and provide new claims to provide clarity. Applicant is reminded that the original numbering of the claims must be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When claims are added, except when presented in accordance with 37 CFR 1.121(b), they must be renumbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer within which to supply the omission or correction in order to avoid abandonment. Extension of this time period may be granted under 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (703) 308-3997. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Phillip Gambel, Phd.

Patent Examiner

Technology Center 1600

Art Unit 1644

August 26, 1999

Phillip Gambel